

RESOLUTION NO. 36-09

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
APPROVING THE ISSUANCE OF TAX EXEMPT SECURITIES FOR THE
FINANCING OF A PORT RELATED PROJECT AND RELATED ACTIONS**

WHEREAS, the City of Richmond (the "City") intends to sell and issue or cause to be sold and issued on its behalf not to exceed \$30,000,000 of securities (the "Bonds") in order to assist in financing of the acquisition, construction, improvement and rehabilitation of a port facility for the importation of automobiles located at 1301 Canal Blvd. in the City of Richmond (the "Project") to be leased to Auto Warehousing Co. (or an affiliate or assignee thereof);

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), the Bonds are required to be approved prior to their issuance by the applicable elected representative of the governmental unit on whose behalf the Bonds are expected to be issued and by each governmental unit having jurisdiction over the area in which any facility financed by such Bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the interest on the Bonds may qualify for exclusion from gross income under Section 103 of the Internal Revenue Code of 1986 (the "Code"), only if the Bonds are approved in accordance with Section 147(f) of the Code; and

WHEREAS, the Project is located wholly within the City of Richmond, California; and

WHEREAS, this City Council is the elected legislative body of the City and is the applicable elected representative required to approve the issuance of the Bonds within the meaning of Section 147(f) of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, the City of Richmond has, following notice duly given, held a public hearing regarding the issuance of such Bonds on December 16, 2008; and

WHEREAS, this City Council hereby finds and declares that this Resolution is being adopted pursuant to the powers granted by law;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The above recitals, and each of them, are true and correct.
2. This City Council hereby approves the issuance of the Bonds to finance costs of the Project. It is the purpose and intent of this City Council that this Resolution constitutes approval of the Bonds by the applicable elected representative of the issuer of the Bonds and the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 147(f) of the Code.
3. The proper officers of the City are hereby authorized and directed to take whatever further action relating to the aforesaid financial assistance may be deemed reasonable and desirable, provided that the terms and conditions under which the Bonds are to be issued and sold shall be approved by this City Council in the manner provided by law prior to the sale thereof.
4. This Resolution shall take effect immediately upon its adoption.

I certify that the foregoing resolution was passed and adopted by the members of the City Council of the City of Richmond at a special joint meeting held on Tuesday, May 5, 2009, by the following vote:

AYES: Councilmembers Bates, Butt, Rogers, Ritterman, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the City of Richmond
(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 36-09**, finally passed and adopted by the Council of the City of Richmond at a meeting held on May 5, 2009.